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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of

Amendment of Section 73.202(b),
Table of Allotments,
FM Broadcast Stations.
(Pierce, Nebraska)

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MM Docket No.
RM-

To: Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau

PETITION FOR RULE MAKING

Pierce Radio, L.L.C. ("Pierce Radio"), by its attorney and pursuant to 47 C.F.R. §1.401, *et seq.*, hereby petitions the Commission to amend the FM Table of Allotments set forth in §73.202(b) of the Rules to allot **Channel 248C2** to **Pierce, Nebraska**, as that community's first local aural service.

In the event this Petition is granted and the requested allotment is made, Pierce Radio expresses its present intention to file an application for the Pierce FM station and, if authorized, to build that station promptly.

In support whereof, the following is shown.

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Pierce, Nebraska

The City of Pierce is the largest community and the County Seat of Pierce County, Nebraska. It is one of three designated cities in the County. According to the latest U.S. Census, the 2000 population of Pierce is 1,774, representing an increase from 1,615 in 1990 and an estimated 1,659 persons in 1998.¹ The 2000 Census population of Pierce County is 7,857.²

As the county seat, Pierce houses various county offices, including the Pierce County Court, the county Board of Commissioners, and those of other elected and appointed officials. There are five churches within the City of Pierce, and four others nearby. Pierce has a Chamber of Commerce and a local Lions Club, as well as a number of local businesses, Pierce High School, a medical clinic and various professional services and recreational facilities.³ It is therefore easily concluded that Pierce, Nebraska, is a community as contemplated by § 307(b) of the Communications Act of 1934, as amended, and as such is entitled to have its own local radio station.

Technical Considerations

Annexed hereto is the Engineering Statement of Donald L. Markley, P.E. The Engineering Statement concludes that Channel 248C2 can be allotted to Pierce, Nebraska, in conformance with all Commission rules and policies as its first local broadcast service.

¹ Source: U.S. Census Bureau, DP-1. Profile of General Demographic Characteristics: 2000, Geographic Area: **Pierce City, Nebraska**.

² *Id.*, **Pierce County, Nebraska**.

³ Source: "Welcome to Pierce, Nebraska -- Online".

Pierce Radio reiterates its firm present intention that, if this Petition is granted, it will file an application to serve Pierce on Channel 248C2.

Conclusion

WHEREFORE, for these reasons, this Petition for Rule Making should be granted and § 73.202(b) of the Commission's Rules amended to allot Channel 248C2 to Pierce, Nebraska, as its first local aural service.

Respectfully submitted,

PIERCE RADIO, L.L.C.

By: _____
Lawrence Bernstein

Its Attorney

LAW OFFICES OF
LAWRENCE BERNSTEIN
1818 N Street, NW
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Attachment

September 28, 2001

Engineering Statement in Support of Petition for Rulemaking

The following engineering statement and attached exhibit have been prepared for Pierce Radio, L.L.C., and are in support of their petition for rulemaking to modify Section 73.202(b), Table of Allotments of FM Broadcast Channels.

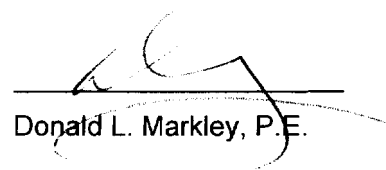
The petitioner seeks to modify Section 73.202(b) of the Commission's Rules and Regulations as follows:

CITY	EXISTING	PROPOSED
Pierce, Nebraska	-----	Channel 248C2

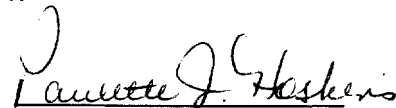
As shown on the attached exhibit, the proposed facility could be located in a fairly large area. For purpose of the allocation, reference coordinates are requested of 42° 11' 30" N. and 97° 28' 00" W. A station could operate at those coordinates fully in accordance with the Commission's Rules and Regulations concerning distance to all other allocations.

If the petition for rulemaking is granted the proponent will file an application for a construction permit as soon as such applications become acceptable to the Commission.

The preceding statement and attached exhibit have been prepared by me or under my direction and are true and correct to the best of my knowledge and belief.


Donald L. Markley, P.E.

Subscribed and sworn to before me this 30th day of July, 2001.


Paulette J. Hoskins

My commission expires on:

